



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5523

by Rep. Carol A. Sente

SYNOPSIS AS INTRODUCED:

720 ILCS 5/36-1	from Ch. 38, par. 36-1
720 ILCS 5/36-1.5	
720 ILCS 5/36-2	from Ch. 38, par. 36-2
720 ILCS 5/36-5	

Amends the Criminal Code of 2012. Adds various offenses to the list for which a vessel, vehicle, or aircraft used with the knowledge and consent of the owner in the commission of, or in the attempt to commit, the offense may be seized and forfeited. Provides that the vessel, vehicle, or aircraft may be seized and impounded by law enforcement agency (rather than delivered forthwith to the sheriff at the Courts of Seizure). Effective immediately.

LRB098 17373 RLC 52471 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Sections 36-1, 36-1.5, 36-2, and 36-5 as follows:

6 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

7 Sec. 36-1. Seizure.

8 (a) Any vessel, vehicle, or aircraft may be seized and
9 impounded by the law enforcement agency if the vessel, vehicle,
10 or aircraft is used with the knowledge and consent of the owner
11 in the commission of, or in the attempt to commit as defined in
12 Section 8-4 of this Code, an offense prohibited by:

13 (1) ~~(a)~~ Section 9-1 (first degree murder, 720 ILCS
14 5/9-1), 9-3 (involuntary manslaughter and reckless
15 homicide, 720 ILCS 5/9-3), 10-2 (aggravated kidnaping, 720
16 ILCS 5/10-2), 11-1.20 (criminal sexual assault, 720 ILCS
17 5/11-1.20), 11-1.30 (aggravated criminal sexual assault,
18 720 ILCS 5/11-1.30), 11-1.40 (predatory criminal sexual
19 assault of a child, 720 ILCS 5/11-1.40), subsection (a) of
20 Section 11-1.50 (criminal sexual abuse, 720 ILCS 5/11-1.50
21 (a)), subsection (a), (c), or (d) of Section 11-1.60
22 (aggravated criminal sexual abuse, 720 ILCS 5/11-1.60 (a),
23 (c), or (d)), Section 11-6 (indecent solicitation of a

1 child, 720 ILCS 5/11-6), 11-14.4 (promoting juvenile
2 prostitution, 720 ILCS 5/11-14.4) except for keeping a
3 place of juvenile prostitution, 11-18 (patronizing a
4 prostitute, 720 ILCS 5/11-18) ~~11-15.1, 11-19.1, 11-19.2,~~
5 11-20.1 (child pornography, 720 ILCS 5/11-20.1), 12-3.3.
6 (aggravated domestic battery, 720 ILCS 5/12-3.3),
7 paragraph (a) (1), (a) (2), (a) (4), (b) (1), (e) (1), (e) (2),
8 (e) (3), (e) (4), (e) (5), (e) (6), or (e) (7) of Section
9 12-3.05 (aggravated battery, 12-3.05(a) (1), (a) (2),
10 (a) (4), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4), (e) (5),
11 (e) (6), or (e) (7)), 12-6.4 (criminal street gang
12 recruitment on school grounds or public property adjacent
13 to school grounds and criminal street gang recruitment of a
14 minor, 720 ILCS 5/12-6.4), ~~11-20.1B, 11-20.3, 12-4.1,~~
15 ~~12-4.2, 12-4.2-5, 12-4.3, 12-4.6,~~ 12-7.3 (stalking, 720
16 ILCS 5/12-7.3), 12-7.4 (aggravated stalking, 720 ILCS
17 5/12-7.4), 12-9 (threatening a public official, 720 ILCS
18 5/12-9), ~~12-13, 12-14,~~ 16-1 (theft, 720 ILCS 5/16-1) if the
19 theft is of precious metal or of scrap metal, subdivisions
20 (f) (2) and (f) (3) of Section 16-25 (retail theft, 720 ILCS
21 5/16-25 (f) (2) or (f) (3), Section 18-2 (armed robbery, 720
22 ILCS 5/18-2), 19-1 (burglary, 720 ILCS 5/19-1), 19-2
23 (possession of burglary tools, 720 ILCS 5/19-2), 19-3
24 (residential burglary, 720 ILCS 5/19-3), 19-6 (home
25 invasion, 720 ILCS 5/19-6), 20-1 (arson; residential
26 arson; place of worship arson, 720 ILCS 5/20-1), 20-1.1

1 (aggravated arson, 720 ILCS 5/20-1.1), 20-2 (possession of
2 explosives or explosive or incendiary devices, 720 ILCS
3 5/20-2), 24-1 (unlawful use of weapons paragraph (a) (6) or
4 (a) (7), 720 ILCS 5/24-1(a) (6) or (a) (7)), 24-1.2
5 (aggravated discharge of a firearm, 720 ILCS 5/24-1.2),
6 24-1.2-5 (aggravated discharge of a machine gun or a
7 firearm equipped with a device designed or used for
8 silencing the report of a firearm, 720 ILCS 5/24-1.2),
9 24-1.5 (reckless discharge of a firearm, 720 ILCS
10 5/24-1.5), 24-1.6 (aggravated unlawful use of a weapon, 720
11 ILCS 5/24-1.6), 24-1.8 (unlawful possession of a firearm by
12 a street gang member, 720 ILCS 5/24-1.8), 24-3 (unlawful
13 sale or delivery of firearms, 720 ILCS 5/24-3), 24-3A
14 (gunrunning, 720 ILCS 5/24-3A), 24-3.2 (unlawful discharge
15 of firearm projectiles, 720 ILCS 5/24-3.2), 24-3.3
16 (unlawful sale or delivery of firearms on the premises of
17 any school, 720 ILCS 5/24-3.3), 28-1 (gambling, 720 ILCS
18 5/28-1), 29D-15.1 (causing a catastrophe, 720 ILCS
19 5/29D-15.1), or 29D-15.2 (possession of a deadly
20 substance, 720 ILCS 5/29D-15.2), or 33A-2 (armed violence,
21 720 ILCS 5/33A-2) of this Code; ~~, subdivision (a) (1),~~
22 ~~(a) (2), (a) (4), (b) (1), (c) (1), (c) (2), (c) (3), (c) (4),~~
23 ~~(c) (5), (c) (6), or (c) (7) of Section 12-3.05, paragraph (a)~~
24 ~~of Section 12-4 of this Code, paragraph (a) of Section~~
25 ~~11-1.50, paragraph (a) of Section 12-15, paragraph (a),~~
26 ~~(c), or (d) of Section 11-1.60, or paragraphs (a), (c) or~~

1 ~~(d) of Section 12-16 of this Code, or paragraph (a)(6) or~~
2 ~~(a)(7) of Section 24-1 of this Code;~~

3 (2) (b) Section 18c, 21, 22, 23, 24 or 26 of the
4 Cigarette Tax Act (35 ILCS 130/18c, 21, 22, 23, 24 or 26)
5 if the vessel, vehicle, or aircraft contains more than 10
6 cartons of such cigarettes;

7 (3) (e) Section 28, 29, or 30 of the Cigarette Use Tax
8 Act (35 ILCS 135/28, 29, or 30) if the vessel, vehicle, or
9 aircraft contains more than 10 cartons of such cigarettes;

10 (4) (d) Section 44 of the Environmental Protection Act
11 (415 ILCS 5/44);

12 (5) (e) Section 11-204.1 of the Illinois Vehicle Code
13 (aggravated fleeing or attempting to elude a peace officer,
14 625 ILCS 5/11-204.1);

15 (6) Section 11-501 of the Illinois Vehicle Code
16 (driving while under the influence of alcohol or other drug
17 or drugs, intoxicating compound or compounds or any
18 combination thereof) or a similar provision of a local
19 ordinance during a period in which:

20 (i) he or she did not possess a valid driver's
21 license or permit or a restricted driving permit or a
22 judicial driving permit or a monitoring device driving
23 permit (625 ILCS 5/11-501); (f) (1) driving under the
24 influence of alcohol or other drug or drugs,
25 intoxicating compound or compounds or any combination
26 thereof under Section 11-501 of the Illinois Vehicle

1 ~~Code during a period in which~~

2 (ii) his or her driving privileges are revoked or
3 suspended where the revocation or suspension was for:

4 (aa) driving under the influence of alcohol or
5 other drug or drugs, intoxicating compound or
6 compounds or any combination thereof (625 ILCS
7 5/11-501),

8 (bb) Section 11-501.1 (625 ILCS 5/11-501.1),

9 (cc) paragraph (b) of Section 11-401 (625 ILCS
10 5/11-401(b)), or ~~for~~

11 (dd) reckless homicide as defined in Section
12 9-3 of the Criminal Code of 1961 or the Criminal
13 Code of 2012 (720 ILCS 5/9-3);

14 (7) paragraph (b) of Section 11-401 of the Illinois
15 Vehicle Code or a similar provision, having left the scene
16 of a motor vehicle crash involving death or personal
17 injuries (625 ILCS 5/11-401(b));

18 (8) reckless homicide as defined in Section 9-3 of this
19 Code (720 ILCS 5/9-3);

20 (9) paragraph (d) of Section 11-501 aggravated driving
21 under the influence of alcohol or other drug or drugs,
22 intoxicating compound or compounds or any combination
23 thereof (625 ILCS 5/11-501(d));

24 (10) Section 11-204 of the Illinois Vehicle Code,
25 fleeing or attempting to elude a police officer (625 ILCS
26 5/11-204); ~~(2) driving while under the influence of~~

1 ~~alcohol, other drug or drugs, intoxicating compound or~~
2 ~~compounds or any combination thereof and has been~~
3 ~~previously convicted of reckless homicide or a similar~~
4 ~~provision of a law of another state relating to reckless~~
5 ~~homicide in which the person was determined to have been~~
6 ~~under the influence of alcohol, other drug or drugs, or~~
7 ~~intoxicating compound or compounds as an element of the~~
8 ~~offense or the person has previously been convicted of~~
9 ~~committing a violation of driving under the influence of~~
10 ~~alcohol or other drug or drugs, intoxicating compound or~~
11 ~~compounds or any combination thereof and was involved in a~~
12 ~~motor vehicle accident that resulted in death, great bodily~~
13 ~~harm, or permanent disability or disfigurement to another,~~
14 ~~when the violation was a proximate cause of the death or~~
15 ~~injuries; (3) the person committed a violation of driving~~
16 ~~under the influence of alcohol or other drug or drugs,~~
17 ~~intoxicating compound or compounds or any combination~~
18 ~~thereof under Section 11 501 of the Illinois Vehicle Code~~
19 ~~or a similar provision for the third or subsequent time;~~
20 ~~(4) the person committed the violation while he or she did~~
21 ~~not possess a driver's license or permit or a restricted~~
22 ~~driving permit or a judicial driving permit or a monitoring~~
23 ~~device driving permit; or (5) the person committed the~~
24 ~~violation~~ while he or she knew or should have known that
25 the vehicle he or she was driving was not covered by a
26 liability insurance policy;

1 (11) ~~(g)~~ an offense described in subsection (g) of
2 Section 6-303 of the Illinois Vehicle Code (625 ILCS 5/
3 6-303(g); ~~or~~

4 (12) ~~(h)~~ an offense described in subsection (e) of
5 Section 6-101 of the Illinois Vehicle Code (625 ILCS
6 5/6-101);

7 (13) home repair fraud, as defined in Section 3 of the
8 Home Repair Fraud Act (815 ILCS 515/3); or

9 (14) a violation of Section 4.01 of the Humane Care for
10 Animals Act (510 ILCS 70/4.01); ~~may be seized and delivered~~
11 ~~forthwith to the sheriff of the county of seizure.~~

12 ~~Within 15 days after such delivery the sheriff shall give~~
13 ~~notice of seizure to each person according to the following~~
14 ~~method: Upon each such person whose right, title or interest is~~
15 ~~of record in the office of the Secretary of State, the~~
16 ~~Secretary of Transportation, the Administrator of the Federal~~
17 ~~Aviation Agency, or any other Department of this State, or any~~
18 ~~other state of the United States if such vessel, vehicle or~~
19 ~~aircraft is required to be so registered, as the case may be,~~
20 ~~by mailing a copy of the notice by certified mail to the~~
21 ~~address as given upon the records of the Secretary of State,~~
22 ~~the Department of Aeronautics, Department of Public Works and~~
23 ~~Buildings or any other Department of this State or the United~~
24 ~~States if such vessel, vehicle or aircraft is required to be so~~
25 ~~registered. Within that 15 day period the sheriff shall also~~
26 ~~notify the State's Attorney of the county of seizure about the~~

1 ~~seizure.~~

2 (b) In addition, any mobile or portable equipment used in
3 the commission of an act which is in violation of Section 7g of
4 the Metropolitan Water Reclamation District Act (70 ILCS
5 2605/7g) shall be subject to seizure and forfeiture under the
6 same procedures provided in this Article for the seizure and
7 forfeiture of vessels, vehicles, and aircraft, and any such
8 equipment shall be deemed a vessel, vehicle, or aircraft for
9 purposes of this Article.

10 (c) In addition, when ~~when~~ a person discharges a firearm at
11 another individual from a vehicle with the knowledge and
12 consent of the owner of the vehicle and with the intent to
13 cause death or great bodily harm to that individual and as a
14 result causes death or great bodily harm to that individual,
15 the vehicle shall be subject to seizure and forfeiture under
16 the same procedures provided in this Article for the seizure
17 and forfeiture of vehicles used in violations of clauses (1),
18 (2), (3), or (4) of subsection (a) ~~(a), (b), (c), or (d)~~ of
19 this Section.

20 (d) If the spouse of the owner of a vehicle seized for an
21 offense described in subsection (g) of Section 6-303 of the
22 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
23 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
24 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
25 Code makes a showing that the seized vehicle is the only source
26 of transportation and it is determined that the financial

1 hardship to the family as a result of the seizure outweighs the
2 benefit to the State from the seizure, the vehicle may be
3 forfeited to the spouse or family member and the title to the
4 vehicle shall be transferred to the spouse or family member who
5 is properly licensed and who requires the use of the vehicle
6 for employment or family transportation purposes. A written
7 declaration of forfeiture of a vehicle under this Section shall
8 be sufficient cause for the title to be transferred to the
9 spouse or family member. The provisions of this paragraph shall
10 apply only to one forfeiture per vehicle. If the vehicle is the
11 subject of a subsequent forfeiture proceeding by virtue of a
12 subsequent conviction of either spouse or the family member,
13 the spouse or family member to whom the vehicle was forfeited
14 under the first forfeiture proceeding may not utilize the
15 provisions of this paragraph in another forfeiture proceeding.
16 If the owner of the vehicle seized owns more than one vehicle,
17 the procedure set out in this paragraph may be used for only
18 one vehicle.

19 (e) In addition, property ~~Property~~ declared contraband
20 under Section 40 of the Illinois Streetgang Terrorism Omnibus
21 Prevention Act (740 ILCS 147/40) may be seized and forfeited
22 under this Article.

23 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;
24 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.
25 1-1-11; 96-1551, Article 1, Section 960, eff. 7-1-11; 96-1551,
26 Article 2, Section 1035, eff. 7-1-11; 97-333, eff. 8-12-11;

1 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

2 (720 ILCS 5/36-1.5)

3 Sec. 36-1.5. Preliminary Review.

4 (a) Within 14 days of the seizure, the State's Attorney in
5 the county in which the seizure occurred ~~State~~ shall seek a
6 preliminary determination from the circuit court as to whether
7 there is probable cause that the property may be subject to
8 forfeiture.

9 (b) The rules of evidence shall not apply to any proceeding
10 conducted under this Section.

11 (c) The court may conduct the review under subsection (a)
12 simultaneously with a proceeding pursuant to Section 109-1 of
13 the Code of Criminal Procedure of 1963 for a related criminal
14 offense if a prosecution is commenced by information or
15 complaint.

16 (d) The court may accept a finding of probable cause at a
17 preliminary hearing following the filing of an information or
18 complaint charging a related criminal offense or following the
19 return of indictment by a grand jury charging the related
20 offense as sufficient evidence of probable cause as required
21 under subsection (a).

22 (e) Upon making a finding of probable cause as required
23 under this Section, the circuit court shall order the property
24 subject to the provisions of the applicable forfeiture Act held
25 until the conclusion of any forfeiture proceeding.

1 For seizures of conveyances, within 7 days of a finding of
2 probable cause under subsection (a), the registered owner or
3 other claimant may file a motion in writing supported by sworn
4 affidavits claiming that denial of the use of the conveyance
5 during the pendency of the forfeiture proceedings creates a
6 substantial hardship. The court shall consider the following
7 factors in determining whether a substantial hardship has been
8 proven:

9 (1) the nature of the claimed hardship;

10 (2) the availability of public transportation or other
11 available means of transportation; and

12 (3) any available alternatives to alleviate the
13 hardship other than the return of the seized conveyance.

14 If the court determines that a substantial hardship has
15 been proven, the court shall then balance the nature of the
16 hardship against the State's interest in safeguarding the
17 conveyance. If the court determines that the hardship outweighs
18 the State's interest in safeguarding the conveyance, the court
19 may temporarily release the conveyance to the registered owner
20 or the registered owner's authorized designee, or both, until
21 the conclusion of the forfeiture proceedings or for such
22 shorter period as ordered by the court provided that the person
23 to whom the conveyance is released provides proof of insurance
24 and a valid driver's license and all State and local
25 registrations for operation of the conveyance are current. The
26 court shall place conditions on the conveyance limiting its use

1 to the stated hardship and restricting the conveyance's use to
2 only those individuals authorized to use the conveyance by the
3 registered owner. The court shall revoke the order releasing
4 the conveyance and order that the conveyance be resealed by law
5 enforcement if the conditions of release are violated or if the
6 conveyance is used in the commission of any offense identified
7 in subsection (a) of Section 6-205 of the Illinois Vehicle
8 Code.

9 If the court orders the release of the conveyance during
10 the pendency of the forfeiture proceedings, the registered
11 owner or his or her authorized designee shall post a cash
12 security with the Clerk of the Court as ordered by the court.
13 The court shall consider the following factors in determining
14 the amount of the cash security:

15 (A) the full market value of the conveyance;

16 (B) the nature of the hardship;

17 (C) the extent and length of the usage of the
18 conveyance; and

19 (D) such other conditions as the court deems necessary
20 to safeguard the conveyance.

21 If the conveyance is released, the court shall order that
22 the registered owner or his or her designee safeguard the
23 conveyance, not remove the conveyance from the jurisdiction,
24 not conceal, destroy, or otherwise dispose of the conveyance,
25 not encumber the conveyance, and not diminish the value of the
26 conveyance in any way. The court shall also make a

1 determination of the full market value of the conveyance prior
2 to it being released based on a source or sources defined in 50
3 Ill. Adm. Code 919.80(c)(2)(A) or 919.80(c)(2)(B).

4 If the conveyance subject to forfeiture is released under
5 this Section and is subsequently forfeited, the person to whom
6 the conveyance was released shall return the conveyance to the
7 law enforcement agency that seized the conveyance within 7 days
8 from the date of the declaration of forfeiture or order of
9 forfeiture. If the conveyance is not returned within 7 days,
10 the cash security shall be forfeited in the same manner as the
11 conveyance subject to forfeiture. If the cash security was less
12 than the full market value, a judgment shall be entered against
13 the parties to whom the conveyance was released and the
14 registered owner, jointly and severally, for the difference
15 between the full market value and the amount of the cash
16 security. If the conveyance is returned in a condition other
17 than the condition in which it was released, the cash security
18 shall be returned to the surety who posted the security minus
19 the amount of the diminished value, and that amount shall be
20 forfeited in the same manner as the conveyance subject to
21 forfeiture. Additionally, the court may enter an order allowing
22 any law enforcement agency in the State of Illinois to seize
23 the conveyance wherever it may be found in the State to satisfy
24 the judgment if the cash security was less than the full market
25 value of the conveyance.

26 (Source: P.A. 97-544, eff. 1-1-12; 97-680, eff. 3-16-12.)

1 (720 ILCS 5/36-2) (from Ch. 38, par. 36-2)

2 Sec. 36-2. Action for forfeiture.

3 (a) The State's Attorney in the county in which such
4 seizure occurs if he finds that such forfeiture was incurred
5 without willful negligence or without any intention on the part
6 of the owner of the vessel, vehicle or aircraft or any person
7 whose right, title or interest is of record as described in
8 Section 36-1, to violate the law, or finds the existence of
9 such mitigating circumstances as to justify remission of the
10 forfeiture, may cause the law enforcement agency ~~sheriff~~ to
11 remit the same upon such terms and conditions as the State's
12 Attorney deems reasonable and just. The State's Attorney shall
13 exercise his or her discretion under the foregoing provision of
14 this Section 36-2(a) prior to or promptly after the preliminary
15 review under Section 36-1.5 ~~notice is given in accordance with~~
16 ~~Section 36-1.~~

17 (b) If the State's Attorney does not cause the forfeiture
18 to be remitted he shall forthwith bring an action for
19 forfeiture in the Circuit Court within whose jurisdiction the
20 seizure and confiscation has taken place. The State's Attorney
21 shall give notice of seizure and the forfeiture proceeding to
22 each person according to the following method: Upon each person
23 whose right, title or interest is of record in the office of
24 the Secretary of State, the Secretary of Transportation, the
25 Administrator of the Federal Aviation Agency, or any other

1 Department of this State, or any other state of the United
2 States if the vessel, vehicle, or aircraft is required to be so
3 registered, as the case may be, by delivering the notice and
4 complaint in open court or by certified mail to the address as
5 given upon the records of the Secretary of State, the Division
6 of Aeronautics of the Department of Transportation, the Capital
7 Development Board, or any other Department of this State or the
8 United States if the vessel, vehicle or aircraft is required to
9 be so registered ~~the forfeiture proceeding by mailing a copy of~~
10 ~~the Complaint in the forfeiture proceeding to the persons, and~~
11 ~~upon the manner, set forth in Section 36-1.~~

12 (c) The owner of the seized vessel, vehicle, or aircraft or
13 any person whose right, title, or interest is of record as
14 described in Section 36-1, may within 20 days after the mailing
15 of such notice file a verified answer to the Complaint and may
16 appear at the hearing on the action for forfeiture.

17 (d) The State shall show at such hearing by a preponderance
18 of the evidence, that such vessel, vehicle, or aircraft was
19 used in the commission of an offense described in Section 36-1.

20 (e) The owner of such vessel, vehicle, or aircraft or any
21 person whose right, title, or interest is of record as
22 described in Section 36-1, may show by a preponderance of the
23 evidence that he did not know, and did not have reason to know,
24 that the vessel, vehicle, or aircraft was to be used in the
25 commission of such an offense or that any of the exceptions set
26 forth in Section 36-3 are applicable.

1 (f) Unless the State shall make such showing, the Court
2 shall order such vessel, vehicle, or aircraft released to the
3 owner. Where the State has made such showing, the Court may
4 order the vessel, vehicle, or aircraft destroyed or may order
5 it forfeited ~~delivered~~ to any local, municipal or county law
6 enforcement agency, or the Department of State Police or the
7 Department of Revenue of the State of Illinois, ~~or may order it~~
8 ~~sold at public auction.~~

9 (g) ~~(b)~~ A copy of the order shall be filed with the law
10 enforcement agency, ~~sheriff of the county in which the seizure~~
11 ~~occurs~~ and with each Federal or State office or agency with
12 which such vessel, vehicle, or aircraft is required to be
13 registered. Such order, when filed, constitutes authority for
14 the issuance of clear title to such vessel, vehicle, or
15 aircraft, ~~or boat~~ to the department or agency to whom it is
16 delivered or any purchaser thereof. The law enforcement agency
17 ~~sheriff~~ shall comply promptly with instructions to remit
18 received from the State's Attorney or Attorney General in
19 accordance with Sections 36-2(a) or 36-3.

20 (h) ~~(c)~~ The proceeds of any sale at public auction pursuant
21 to Section 36-2 of this Act, after payment of all liens and
22 deduction of the reasonable charges and expenses incurred by
23 the State's Attorney's Office ~~sheriff in storing and selling~~
24 ~~such vehicle~~, shall be paid into the Law Enforcement Agency
25 having seized the vehicle for forfeiture ~~general fund of the~~
26 ~~county of seizure.~~

1 (Source: P.A. 84-25.)

2 (720 ILCS 5/36-5)

3 Sec. 36-5. The law enforcement agency, County or sheriff
4 not liable for stored forfeited vehicle. A law enforcement
5 agency, county, sheriff, law enforcement officer or employee of
6 the law enforcement agency or ~~deputy sheriff, or employee of~~
7 ~~the~~ county sheriff shall not be civilly or criminally liable
8 for any damage to a forfeited vehicle stored with a commercial
9 vehicle safety relocater.

10 (Source: P.A. 96-1274, eff. 7-26-10.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.